



## MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

### REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Mondays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

#### 5:30 p.m. session [Order of business]

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|--|---|
| <ul style="list-style-type: none"> <li>Invocation and Pledge of Allegiance</li> <li>Presentations</li> <li>Summary of Current Events</li> <li>Liquor license applications</li> <li>Consent Agenda</li> </ul> | <ul style="list-style-type: none"> <li>Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.</li> <li>Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.</li> <li>Other Mayor and Council business as listed on the agenda for the meeting.</li> </ul> |
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Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site : [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs)

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

### PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs). Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

**Robert E. Walkup – Mayor**  
**Fred Ronstadt – Vice Mayor**

#### Council Members

<b>José J. Ibarra</b>	<b>Ward 1</b>	<b>Shirley C. Scott</b>	<b>Ward 4</b>
<b>Carol W. West</b>	<b>Ward 2</b>	<b>Steve Leal</b>	<b>Ward 5</b>
<b>Kathleen Dunbar</b>	<b>Ward 3</b>	<b>Fred Ronstadt</b>	<b>Ward 6</b>

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639, FAX: 791-4017 or WEB SITE: [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs), 9<sup>th</sup> floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:  
 Tuesdays – 9:00 p.m.                      Wednesdays – 9:00 a.m.                      Sundays – 9:00 a.m.  
 VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## REGULAR MEETING

**MONDAY, SEPTEMBER 27, 2004 – 5:30 P.M.**  
**MAYOR AND COUNCIL CHAMBERS**  
**(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

**1. ROLL CALL**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

INVOCATION – Adam Andrews, Executive Assistant to the Chairwoman and Vice Chair, Tohono O’odham Nation

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

**PRESENTATIONS**

- (a) Proclamation – Proclaiming September 27, 2004 to be American Indian Awareness Day.

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager SEPT27-04-519 CITY-WIDE

**4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager SEPT27-04-520 CITY-WIDE

## 5. LIQUOR LICENSE APPLICATIONS

(a) Report from City Manager SEPT27-04-515 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

### New License(s)

- |   |  |
|---|--|
| (1) TOM'S BBQ<br>5443 E. 22nd Street<br>Applicant: Robert M. Navarro<br>City #053-04, Ward 6<br>Series #12<br>Action must be taken by: 10/7/04            | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Revenue: In Compliance |
| (2) BUMSTED'S<br>500 N. 4th Avenue #11<br>Applicant: Jonathan E. Monahan<br>City #054-04, Ward 6<br>Series #12<br>Action must be taken by: 10/7/04        | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Revenue: In Compliance |
| (3) PICURRO PIZZERIA #5<br>9431 E. 22nd Street #137<br>Applicant: Mika C. Abera<br>City #056-04, Ward 2<br>Series #12<br>Action must be taken by: 10/9/04 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Revenue: In Compliance |

### **PUBLIC OPINION: PROTEST FILED SUPPORT FILED**

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

(c) Special Event(s)

- |     |   |  |
|-----|---|--|
| (1) | RIALTO FOUNDATION<br>Congress between Aviation & 5th<br>Broadway between 5th & Congress<br>Applicant: Jeb B. Schoonover<br>City #T073-04, Ward 6<br>Date of Event: 10/16/04<br>(Fundraiser) | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
| (2) | ST. MARGARET MARY PARISH<br>801 N. Grande Avenue<br>Applicant: Oscar White<br>City #T076-04, Ward 1<br>Date of Event: 10/9/04<br>10/10/04<br>(Annual Fiesta)                                | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
| (3) | FOUNDATION FOR PIMA<br>ANIMAL CARE<br>288 N. Church Avenue<br>Applicant: Maryann Purnell<br>City #T091-04, Ward 1<br>Date of Event: 9/29/04<br>(Recognition/Fundraising)                    | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |

6. **CONSENT AGENDA – ITEMS A THROUGH K**

**FOR COMPLETE DESCRIPTION OF ITEMS**  
**SEE ATTACHED CONSENT AGENDA**

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent agenda and will be considered separately.

**7. CALL TO THE AUDIENCE**

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker". Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

**8. PUBLIC HEARING: APPLICATION BY TUCSON GREYHOUND PARK FOR OFF-TRACK BETTING SITES**

- (a) Report from City Manager SEPT27-04-517 W1 AND W6
- (b) Hearing on a request by Tucson Greyhound Park for two proposed off-track betting sites. One is for the relocation of the facility previously located at the Maverick King of Clubs, 6622 E. Tanque Verde Road (Ward 2) to Touchdowns, 6366 E. Broadway Boulevard (Ward 6) and the second is for a new location at Famous Sams, 2320 N. Silverbell Road (Ward 1).
- (c) Resolution No. 19942 relating to off-track betting facilities; approving Touchdowns, 6366 E. Broadway, Tucson, Arizona, as an off-track betting site for the Tucson Greyhound Racetrack; and declaring an emergency.
- (d) Resolution No. 19943 relating to off-track betting facilities; approving Famous Sam's, 2320 N. Silverbell Road, Tucson, Arizona, as an off-track betting site for the Tucson Greyhound Racetrack; and declaring an emergency.

**9. PUBLIC HEARING: ZONING (C9-98-25) STARR PASS BOULEVARD SR TO C-1, REQUEST FOR TIME EXTENSION**

- (a) Report from City Manager SEPT27-04-525 W1
- (b) Hearing on a request for a five year time extension for completion of rezoning conditions for property located south of Starr Pass Boulevard approximately 2,000 feet west of Players Club Road. Applicant: Chris Ansley, on behalf of Starr Pass Resort Developments, LLC. The preliminary development plan is for 250 timeshare casitas on 32.5 acres. This request covers the final 32.5 acres of the original 77.2 acre Starr Pass and Moussa rezoning.

The original five-year authorization expires on November 8, 2004. A public hearing is required because the request, if approved, will extend the time for completion of rezoning conditions more than five (5) years from the date of the last public hearing.

The City Manager recommends approval of the requested five-year time extension from November 8, 2004, to November 8, 2009, subject to compliance with the following conditions of rezoning:

1. Completion of all improvements required by previous rezoning cases prior to any approval of phase 2 development, including, but not limited to:
  - a. The owner/developer shall provide a "fair-share" contribution, of \$180,000 to fund 25 percent of the cost of the design and construction of the following either through monetary contribution or construction of roadway improvements, for on Anklam Road improvements made necessary by the proposed development before development of the rezoning site can commence from Shannon to Players Club Drive:
    - (1) ~~Developer is required to install a center turn lane and bike lanes on Anklam Road from Shannon to Players Club Drive, to provide a minimum 46-foot pavement section and to modify the drainage structure beneath Anklam Road, or over Anklam Wash to accommodate the street improvements, and to construct a five foot wide pedestrian refuge area on each side of the road.~~
      - a) Three 12 foot travel lanes.
      - b) Two 5 foot bike lanes.
      - c) Two 5 foot wide pedestrian refuges, on both sides of roadway
      - d) Concrete curbs on both sides of the roadway.
      - e) Modifications to the Anklam Wash drainage crossing structure to accommodate the above right-of-way improvements.
    - (2) ~~The Developer will contribute \$150,000 to cover the cost of the above improvements. In addition, the Developer shall fund the improvement design of Anklam done by either Collins and Pena, or an engineer designated by the Developer with the City of Tucson administering and constructing the project.~~

- (3) Up to 250 Marriott timeshare casitas be built on 32 and a half acres on the west side of Block 25 in conjunction with the proposed Marriott Hotel. None of the 250 casitas can be locked out to create two rentals within one casita, (i.e. each two bedroom unit must be sold and rented as a single unit). The seven and a half acres on the east side of Block 25, which was to contain time share casitas will become open space and with the exception of the Moussa property which has been removed from this request. The the remaining land in Block 25 would either remain undeveloped or be used as a golf course.
    - (4) The rezoning will limit access to the facilities of Starr Pass, (i.e. once a week access for each week sold).
    - b. The owner/developer shall rectify outstanding deficiencies in the existing Starr Pass Boulevard and Players Club Drive infrastructure that has prevented the City from formally accepting these streets for maintenance.
2. Development plans and subdivision plats, in substantial compliance with the preliminary development plan, and the Development Compatibility Report and Environmental Resource Report, shall be submitted for review and approval in accordance with Section 5.3.8 and 4.1 of the *LUC*, including, but not limited to:
  - a. Total number of units shall be limited to 382 as indicated in the traffic study.
  - b. Access to any trails or proposed trails established in the Master Block Circulation Plan (C9-92-12) shall be maintained. Applicant shall work with the Pima Trails Association to determine the exact locations.
3. The developer shall provide written notice to adjacent property owners within 300 feet of the block boundary prior to submittal of each plat or development plan. The Community Design Review Committee (CDRC) application submittal shall include documentation of the notification of adjacent property owners.
4. Preservation of biological linkages is required as initially delineated in the *Desert Laboratory Proposed Biological Linkage* by Harris Environmental Group, dated September 17, 1997, and further refined in the submitted concept plan. The biological linkage crossing in Block 5 for the hotel access road shall be designed as follows:

- a. The crossing shall be a double arched structure with a minimum clearance of seven feet three inches (7'3"). A maximum three (3) foot wide concrete footer may be placed in the center of the structure to support the combined arch.
  - b. The structure shall accommodate the runoff from a 100-year storm event.
  - c. The bottoms of the arch openings shall remain in their natural states.
  - d. All utilities shall be within the roadway cross-section of the arched crossing.
  - e. The roadway cross-section shall be sized to include two 12-foot travel lanes, two 5 foot bicycle lanes that will also accommodate golf cart travel, and one 8-foot sidewalk area.
5. A mitigation/preservation plan of archaeological/historical resources shall be submitted for review and approval. The mitigation/preservation plan shall be prepared in conjunction with the Pima County Archeologist and the Arizona State Historic Preservation Office. The final report shall meet the Arizona State Museum standards.
6. All areas contained within the 100-year floodplains of washes shall remain undisturbed except for infrastructure, road crossings, and culverts. Arched culvert shall be used where crossings must occur. Utilities may cross washes only at the same point as roadway crossings. Wash crossings must be revegetated with plant species and seed mix native to the site.
7. Areas designated as biological linkages or natural undisturbed open space (NUOS) shall be fenced off before any adjacent development activity occurs and must remain fenced throughout construction of that portion of the development.
8. Wildlife crossing signs shall be provided where biological linkages abut roadways.
9. Biological linkages and wash areas shall be protected from the impact of pet and human activity by construction of fencing or walls. Private access from individual lots to these areas is not permitted. Public access shall only be from common areas and common area access points.



10. Natural vegetation along street frontages shall be maintained or enhanced. Areas along street frontages where natural vegetation does not exist shall be landscaped with ground cover, shrubs, cacti, and canopy trees that are native to the area.
11. A Golf Course Environmental Management Plan shall be submitted for review and approval by Parks and Recreation. The plan shall address the source of irrigation water and the types of pesticides, herbicides, and fertilizers that may be used. The plan shall include information on the anticipated effects these materials will have on plants, animals, humans, and the quality of groundwater and runoff both on-site and off-site, and techniques that will be used to mitigate negative impacts.
12. The golf course shall be irrigated with reclaimed water and water-harvesting concepts shall be incorporated into the entire project.
13. Walls and exteriors of structures shall be of colors that are predominant in the natural desert landscape. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Those screen walls visible from the public right-of-way shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials. In addition, any continuous wall greater than 75 feet in length and 3 feet in height shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations. Four (4) inch fence block shall not be used for perimeter walls.
14. A drainage report shall be submitted for review and approval, including and/or addressing detention/retention, the additional development and/or density, preservation of xeroriparian intermediate (or better) habitat, and conformance of this portion of the development with the Starr Pass Master Drainage Report. Nonconformance with the Master Drainage Report will require a revision to same.
15. All mechanical equipment, storage, and parking areas shall be screened with materials compatible with the natural environment.
16. All outdoor pole and building lighting shall be full cut-off lighting - directed downward ~~the~~ and away from surrounding property owners and neighborhoods.
17. “Safe by Design” concepts shall be incorporated in the development plans and/or subdivision plats for review by the Tucson Police Department.

18. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
19. Issuance of a building permit for construction of the proposed development based on an approved development plan in compliance with all Code requirements and conditions of rezoning by November 8, ~~2004~~ 2009.
20. A minimum of one fifteen- (15) gallon tree, no more than ten (10) feet from the back of the sidewalk, be provided on every other lot frontage.

Deleted text is ~~striketrough~~ and new text is underlined.

Zero (0) written approvals and 275 written protests were received for this case prior to the last public hearing before the Mayor and Council November 8, 1999. Thirty-eight (38) of the protests are located within the 300-foot notification area and twelve (12) of those protests are located within the 150-foot notification area. This results in a five (5) percent protest by area to the east and a zero (0) percent protest to the north, west and south.

A simple majority vote will be necessary to approve the request as presented.

**10. URBAN PLANNING AND DESIGN: COST OF SERVICE – PROPOSED DEVELOPMENT IMPACT FEES FOR ROADS AND PARKS**

- (a) Report from City Manager SEPT27-04-528 CITY-WIDE

Material for this item will be available on the City website and in the City Clerk's office as soon as it becomes available.

**11. ZONING: (C15-88-04) VISTA DEL NORTE ANNEXATION DISTRICT – LIMBERLOST R-2 ZONING, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION**

- (a) Report from City Manager SEPT27-04-524 W3
- (b) This is a request for a change of conditions for property located on the south side of Limberlost Drive, approximately 1,000 feet east of 1<sup>st</sup> Avenue. Applicant: Theodore J. Herman, on behalf of the property owner, Title Security Agency of Arizona Trust No. 818.

The request is for a change of original City zoning conditions to allow a reduction in the required minimum lot size on the project site. The revised preliminary development plan is for 49 one and two story single family attached units on 6.5 acres, an approximate density of 7.5 units per acre.

- (c) Ordinance No. 10044 relating to zoning: amending Ordinance 7286 to amend condition No. 3 of the original City zoning in the area located on the south side of Limberlost Drive approximately 1,000 feet east of 1<sup>st</sup> Avenue in Case C15-88-04, Vista Del Norte Annexation District-Limberlost; and declaring an emergency

The City Manager recommends that the proposed ordinance be adopted including the following conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated July 1, 2004, and the Design Detail dated August 2, 2004, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.
2. Owner/developer shall install the following improvements along the entire Limberlost Drive frontage of the site:
  - a. Curb
  - b. Six (6) foot wide sidewalks
  - c. Additional pavement to ensure a minimum 46' pavement width (to provide for 1 travel lane in each direction, a center turn lane and 2 - 5' wide bike lanes).
3. Where adjacent to one-story buildings along the east, west and south boundaries, at least 50 percent of residences shall be limited to one story in height. All lots abutting the excluded parcel to the north of the site shall be limited to one story in height.
4. All buildings shall incorporate a southwestern motif in architectural style and colors.
5. When visible from adjacent rights of way, building facades at rear and side are to be designed with attention to architectural character and detail comparable to the front facade, including but not limited to, comparable color palette, rooflines, and materials. Dimensioned elevation drawings and photos of the surrounding neighborhood are to be submitted as a part of the development plan.
6. A minimum of one fifteen (15) gallon tree, no more than ten (10) feet from the back of the sidewalk, on every other lot frontage shall be required.

7. All private open space and landscape areas, including detention/retention areas, to be designated as common area and maintained by the homeowners association.
8. Provide safe and convenient pedestrian connections to common areas, open space, and recreation facilities.
9. Passive/active recreation area will be provided that is equal in area to one lot and shall be accessible and usable by all residents and centrally located within the subdivision.
10. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
11. To enhance public safety and reduce the incidences of crime, “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
12. The owner/developer shall hold a meeting(s) to offer the surrounding homeowner associations within one mile and residents within three hundred (300) feet of the site a review of the proposed tentative plat no less than ten (10) days prior to the CDRC submittal. Documentation of the meeting(s) with the homeowner associations, including invitations, sign-in sheets, and minutes, to be provided with the CDRC submittal.
13. All walls visible from a public right-of-way and that abut existing residential uses are to be graffiti-resistant and incorporate one or more visually appealing design treatments, such as; the use of two or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments (jog, curve, notch, setback, etc.); and/or, trees and shrubbery in voids created by wall variations.

**12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager SEPT27-04-518 CITY-WIDE

**13. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, October 4, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.